

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AHMED RASHIDI, *et al*,
Petitioners,
v.
GEORGE WALKER BUSH,
President of the United States, *et al.*,
Respondents.

No. 1: 05CV00640 (EGS)

DECLARATION OF TERESA A. McPALMER

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC) at U.S. Naval Base Guantanamo Bay, Cuba. In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Ahmed Rashidi that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. An OARDEC staff member redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. The OARDEC staff member also redacted internee serial numbers because certain combinations of

internee serial numbers with other information relates to sensitive internal detention and intelligence operations that is not suitable for public release.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 22 April 2005

Teresa A. McPalmer
Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser. 390

4 JAN 2005

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From: Director, Combatant Status Review Tribunals

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

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1 Jan 05

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunals

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal # 13 of 04 October 2004
(2) Record of Tribunal Proceedings

1. A legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

a. The detainee was properly notified of the Tribunal process and did not participate in the proceeding.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibit R-4 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.

d. Exhibits R-4, R-15, and R-20 contain handwritten notes in the margins. The notes on exhibits R-4 and R-20 appear to be aids in directing the Tribunal to the source of the information in the Unclassified Summary provided to the detainee. The note on exhibit R-15 explains that a name on the document is an alias of the detainee's. These notes do not alter the evidence nor do they affect the legal sufficiency of the documents.

e. The detainee did not request any witnesses or additional evidence.

f. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

g. The detainee's Personal Representative was given the opportunity to review the record of proceedings and affirmatively declined to submit comments.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]

2. The proceedings and decision of the Tribunal as recorded in enclosure (2) are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



T. A. McPALMER
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

4 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #13

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Army; President

[REDACTED], Commander, JAGC, U.S. Naval Reserve;
Member (JAG)

[REDACTED] Commander, U.S. Navy; Member

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy

DETAINEE ELECTION FORM

Date: 1 Oct 04

Start Time: 0750

End Time: 0845

ISN#: [REDACTED]

Personal Representative: [REDACTED] MAJOR, USAF
(Name/Rank)

Translator Required? YES Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

Detainee Election:

- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative, Unresponsive, Belligerent

Personal Representative Comments:

Detainee was extremely verbally belligerent towards both myself and translator. Detainee was making accusations of the US Government throughout the interview. During the time, when the Unclassified Summary of Evidence was read to him, he became extremely agitated and verbally belligerent. He started physically moving in his chair and making movements towards the table between him and myself/translator. I terminated the interview at that time.

Personal Representative: [REDACTED]



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

11 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED]

A handwritten signature in black ink, appearing to read "D. L. Taylor", is written over the typed name.

DAVID L. TAYLOR
Colonel, USAF

[REDACTED]

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL: #13

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #13 of 4 October 2004 (U/~~FOUO~~)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~) N/A
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 7 October 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 7 October 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida, was a member of Moroccan Islamic Fighters, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

[REDACTED]

Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: _____ #13
ISN #: _____

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al-Qaida and was part of or supporting the Moroccan Islamic Fighting Group. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal on 7 October 2004 by the Recorder indicated that the Detainee was associated with al-Qaida. While in England, the Detainee attended the Finsbury Park Mosque and the Baker Street Mosque, both known extremist mosques. During late September and early October 2001, the Detainee traveled from England to Afghanistan via Morocco and Pakistan. The Detainee is identified as having received training at the [REDACTED] training camp in July 2001, to include weapons training, war tactics and bomb making. The Detainee fled Afghanistan in the company of a large convoy and was captured in Bannu, Pakistan in early 2002. The Detainee admits to knowing how to conduct suicide attacks on airliners using smuggled flammable liquids. The Detainee is identified as a suspected al-Qaida member, who issued a fatwa claiming suicide is acceptable. The Detainee is a member of Abu Issa's group of Moroccan Fighters. The Detainee did not participate in the Tribunal process. When the Personal Representative attempted to obtain the Detainee's election to participate, the Detainee was uncooperative, unresponsive and belligerent to both the Personal Representative and the translator. He called no witnesses, did not request any unclassified or classified document be produced, and did not make a verbal statement.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-12.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses and no evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Exhibit R-3 gave a description of the Moroccan Islamic Combatant Group (GICM), and indicated that the GICM supports al Qaida's Jihad against the West. It also supports Moroccans who train in armed camps in Afghanistan.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary. However, a further discussion of the Detainee's mental status is discussed in the classified document Exhibit R-10.

b. Upon the Personal Representative's attempt to find the Detainee's election as to whether or not he desired to participate in the tribunal, the Detainee became extremely verbally belligerent toward the Personal Representative and the translator. During the time the Unclassified Summary of Evidence was read to him, he became extremely

agitated and verbally belligerent. He started physically moving in his chair and making movements toward the table between himself and the Personal Representative and the translator. By his actions, the Personal Representative had to infer that the Detainee chose not to participate in the process based on his belligerent nature and complete lack of cooperation.

c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and was part of or supporting the Moroccan Islamic Fighting Group.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the Tribunal President.

Colonel, U.S. Army
Tribunal President

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (18 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - RASHIDI, Ahmed.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is associated with al Qaeda.
 - a. The detainee is associated with al Qaeda:
 1. While in England, the detainee attended the Finsbury Park Mosque and the Baker Street Mosque, both known extremist mosques.
 2. During late September and early October 2001, the detainee traveled from England to Afghanistan via Morocco and Pakistan.
 3. The detainee fled Afghanistan in the company of a large convoy and was captured in Bannu, Pakistan in early 2002.
 4. The detainee is identified as having received training at the [REDACTED] training camp in July 2001, to include weapons training, war tactics, and bomb making.
 5. The detainee admitted to knowing how to conduct suicide attacks on airliners using smuggled flammable liquids.
 6. The detainee is identified as a suspected al Qaeda member, who issued a fatwa claiming suicide is acceptable.
 7. The detainee is a member of Abu Issa's group of Moroccan fighters.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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3203
Exhibit R-1

Memorandum

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To : Department of Defense Date 09/16/2004
Office of Administrative Review
for Detained Enemy Combatants,
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division,
Office of General Counsel,
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED] DP

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 06/20/2002

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/16/2004

If you need additional assistance, please contact
Assistant General Counsel [REDACTED]
[REDACTED] or Intelligence Analyst [REDACTED]
[REDACTED]

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**U.S. Department of Homeland Security
U.S. Customs and Border Protection
Office of Border Patrol**

Terrorist Organization Reference Guide

January 2004

UNCLASSIFIED

1/3
Exhibit 8-3
3208

hardliners who have sought to prevent a political settlement with Irish nationalists in Northern Ireland by attacking Catholic politicians, civilians, and Protestant politicians who endorse the Northern Ireland peace process. LVF occasionally uses the Red Hand Defenders as a cover name for its actions but in February called for the group's disbandment. In October 2001, the British Government ruled that the LVF had broken the cease-fire it declared in 1998 after linking the group to the murder of a journalist. According to the Independent International Commission on Decommissioning, the LVF decommissioned a small amount of weapons in December 1998, but it has not repeated this gesture.

Activities

Bombings, kidnap pings, and close-quarter shooting attacks. Finances its activities with drug money and other criminal activities. LVF bombs often have contained Powergel commercial explosives, typical of many loyalist groups. LVF attacks have been particularly vicious: the group has murdered numerous Catholic civilians with no political or paramilitary affiliations, including an 18-year-old Catholic girl in July 1997 because she had a Protestant boyfriend. The terrorists also have conducted successful attacks against Irish targets in Irish border towns. Since 2000, the LVF has been engaged in a violent feud with other loyalists that intensified in 2002 with several high-profile murders and defections.

Strength

300 members, half of whom are active.

Location/Area of Operation

Northern Ireland, Ireland.

External Aid

None.

62. Moroccan Islamic Combatant Group (GICM)

Description

The goals of the Moroccan Islamic Combatant Group (GICM) reportedly include establishing an Islamic state in Morocco and supporting al-Qaeda's jihad against the West. The group appears to have emerged in the late 1990s and comprises Moroccan recruits who trained in armed camps in Afghanistan. GICM members interact with other North African extremists, particularly in Europe. On 22 November 2002, the United States designated the GICM for asset freeze under E.O. 13224. This followed the submission of the GICM to the UNSCR 1267 sanctions committee.

Activities

GICM members, working with other North African extremists, engage in trafficking falsified documents and possibly gunrunning. The group in the past has issued communiqués and statements against the Moroccan Government.

Strength

Unknown.

Location/Area of Operation

Western Europe, Afghanistan, and possibly Morocco.

External Aid

Unknown.

63. New Red Brigades/Communist Combatant Party (BR/PCC)

a.k.a. Brigate Rosse/Partito Comunista Combattente

Description

This Marxist-Leninist group is a successor to the Red Brigades, active in the 1970s and 1980s. In addition to ideology, both groups share the same symbol, a five-pointed star inside a circle. The group is opposed to Italy's foreign and labor policies and NATO.

Activities

BR/PCC first struck in May 1999 claiming responsibility for the assassination of labor Minister advisor Massimo D'Antona. In March 2002, the group assassinated Professor Marco Biagi, also a labor Minister advisor. One person arrested in conjunction with the Biagi attack was released later on a technicality. In 2001, Italian police arrested a suspected Red Brigade member in connection with a bombing in April at the Institute for International Affairs in Rome. May finance its activities through armed robberies.

Strength

Estimated at fewer than 30 members; probably augments its strength through cooperation with other leftist groups in Italy, such as the Anti-Imperialist Territorial Nuclei.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 7 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # 

I have no comments.

My comments are attached.

 MAJ. USAF
Name

7 OCT 04
Date


Signature

ISN # 
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AYMAN SAEED ABDULLAH BATARFI,)

Petitioner,)

v.)

Civil Action No. 05-CV-0409 (EGS)

GEORGE W. BUSH, *et al.*,)

Respondents.)

DECLARATION OF TERESA A. McPALMER

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Ayman Saeed Abdullah Batarfi that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 4 Aug 05

Teresa A. McPalmer
Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 727
23 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 627

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # 627 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

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3212

18 Jan 05

MEMORANDUM

From: Assistant Legal Advisor

To: Director, Combatant Status Review Tribunal

Via: Legal Advisor *STZ*Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 627Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal # 15 of 12 October 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

a. Attempts were made to provide the detainee with the unclassified summary of evidence. However, the detainee refused to leave his cell to meet with his Personal Representative. Force protection procedures for the detainee's facility prohibit him from receiving verbal or written information while he is in his cell. After consulting with the CSRT Assistant Legal Advisor, the Personal Representative requested that the camp guards advise the detainee that if he wanted to participate in the Tribunal process, he needed to meet with his Personal Representative. The guards did so, but the detainee continued to refuse to leave his cell.

The detainee's refusal to cooperate prevented the usual notice procedures. The detainee spoke and understood English so there was no question that he understood the guards. The detainee was mentally and physical capable of participating in the proceedings. In my opinion, the detainee had effective notice of the Tribunal proceedings and no corrective action is needed.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibits R-3 and R-4 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant

d. The detainee did not request that any witnesses or evidence be produced.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 627

- e. The Tribunal's decision that detainee # 627 is properly classified as an enemy combatant was unanimous.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



BREE A. ERMENTROUT
CDR, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED] Colonel, U.S. Air Force; President

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member
(JAG)

[REDACTED] Lieutenant Commander, U.S. Navy; Member

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

22 November 2004

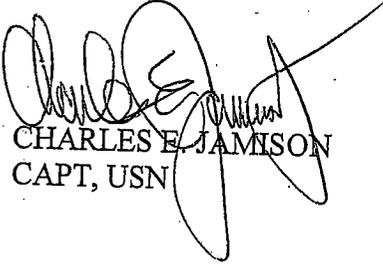
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 627

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED]


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (3).

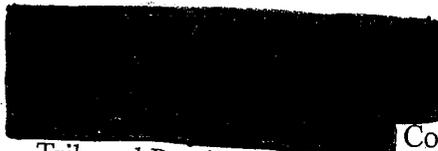
(U) TRIBUNAL PANEL: #15

(U) ISN#: 627

Ref: (a) (U) Convening Order for Tribunal #15 of 12 October 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Copies of Documentary Evidence Presented (S/NF)
(4) (U) Personal Representative's Record Review (U/~~FOUO~~)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 12 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #627 is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida and the Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).


Tribunal President Colonel, USAF

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #15
ISN #: 627

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and was part of or supporting the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the detainee was an al Wafa official who purchased medical and other supplies for the Taliban. The detainee was also reported to have had contact with Usama Bin Laden and senior al Qaida personnel while in Afghanistan from July to November 2001. He was also present during military operations in the Tora Bora Mountains and carried communications equipment. The detainee chose not to participate in the Tribunal process. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-13.
- b. Testimony of the following persons: none.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses: No rulings were required.

The Detainee requested no additional evidence be produced: No rulings were required.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look primarily to classified exhibits for support of the Unclassified Summary of Evidence.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

The Tribunal consulted the CSRT Legal Advisor during the course of this hearing on the following matters.

a. The detainee refused to leave his cell to meet with the Personal Representative (PR). There was no reason to believe that the detainee was mentally or physically unable to meet with the PR. The PR consulted with the Assistant CSRT Legal Advisor who advised the PR to request the detainee's guards to inform the detainee of the purpose of the meeting and offer him a second opportunity to leave his cell and meet with the PR. The guards stated the detainee still refused. As noted in detainee records, he spoke and understood English so there was no question that he understood the guards.

b. The CSRT notification letter provided to the detainee in July 2004 required that the detainee be provided a written unclassified summary of the evidence. However, in this case, this was not possible because the detainee refused to leave his cell. The force protection procedures in place for this detainee's assigned facility did not permit the detainee to receive either written or verbal material while he is in his cell. Since the detainee voluntarily declined to leave his cell in order to meet with the PR to receive this information, after being informed of the purpose of the PR's visit, the detainee elected to not receive the unclassified summary of evidence.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.

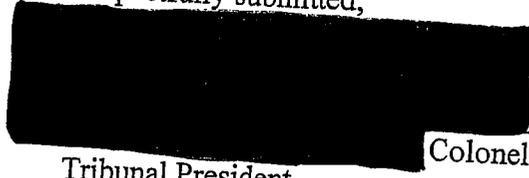
b. The detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a.

c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and was part of or supporting the Taliban.

8. Dissenting Tribunal Member's Report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covers the signature of the Tribunal President.

Tribunal President

Colonel, USAF

DETAINEE ELECTION FORM

Date: 9 Nov 2004

Start Time: N/A

End Time: N/A

ISN#: 627

Personal Representative: [REDACTED] MAJOR, USAF
(Name/Rank)

Translator Required? YES Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? NO - SEE BELOW

Detainee Election:

- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive

Personal Representative Comments:

Note: This detainee refused to leave his cell for the initial OARDEC interview. On advice from OARDEC legal council, I asked the camp guards to go back to his cell and tell the detainee that his OARDEC personal representative was here to talk about the CSRT tribunal process. The detainee was told that if he wanted to participate in his tribunal he needed to come to the interview. He was told that the tribunal will still be held in his absence even if he refuses to come out of his cell. The guards returned and told me he still refuses to leave his cell for the interview. I can only assume from the detainee's actions that he does not want to participate in the tribunal process or attend his tribunal. The OARDEC legal council confirmed that this detainee was read the CSRT notice in July 2004.

Personal Representative: [REDACTED]

UNCLASSIFIED//~~FOUO~~

Exhibit D-a

3221

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (02 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – BATARFI, Ayman Saeed Abdullah

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.

2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."

3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is a member of al Qaida, supported the Taliban and al Qaida against the United States and its coalition partners, and participated in military operations against the United States and its coalition partners.

a. The detainee is a member of al Qaida and supported the Taliban and al Qaida against the United States and its coalition partners:

1. The detainee entered Afghanistan and went to Jalalabad, until the Northern Alliance approached, at which time he fled to the Tora Bora Mountains and hid with other Arabs trying to flee Afghanistan.

2. The detainee is a former al Wafa official.

3. Al Wafa, a non-governmental organization, officially named al Wafa al Igatha al Islamia (Wafa Humanitarian Organization) and headquartered in Saudi Arabia, has connections to Usama Bin Ladin and Afghan Mujahidin.

4. The detainee purchased medical supplies for al Wafa and sent them to Afghanistan.

5. On approximately 30 November 2001, the detainee personally met with Usama Bin Laden (UBL) in Tora Bora.

6. In July 2001, the detainee stayed in a Quetta Taliban guesthouse.

7. The detainee associated with a senior al Qaida operative and facilitator.

8. The detainee stated that he met with Usama Bin Laden on a number of occasions.

9. The detainee advised that he was involved in the purchase of three (3) vehicles in Herat for the Taliban and he purchased medical equipment for the Taliban.

b. The detainee participated in military operations against the United States and its coalition partners:

1. The detainee arrived in the Tora Bora Mountains in mid-November 2001.
2. The detainee carried a gun while he was in the Tora Bora Mountains.
3. The detainee carried a walkie-talkie during his time in the Tora Bora Mountains in November 2001.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

Memorandum



Date

To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

Date 10/29/2004

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject: REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 627 have been redacted by the FBI and provided to the OARDEC:

- ✓ FD-302 dated 05/28/02
- ✓ FD-302 dated 08/13/02

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 10/29/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED] ([REDACTED]),
[REDACTED] or Intelligence Analyst (IA)
[REDACTED] ([REDACTED]), [REDACTED]

IA

Personal Representative Review of the Record of Proceedings

I acknowledge that on 16 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #627.

I have no comments.

My comments are attached.

 _____
Major, USAF

16 Nov 2004
Date

ISN #627
Enclosure (4)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ZABAN THAAHER ZABAN)	
AL SHAMAREE)	
Petitioner,)	
)	
v.)	Civil Action No. 05-0520 (RMU)
)	
GEORGE W. BUSH,)	
President of the United States,)	
<i>et al.</i> ,)	
)	
Respondents.)	
<hr/>		

DECLARATION OF TERESA A. McPALMER

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director of Combatant Status Review Tribunals.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Zaban Thaaaher Zaban al Shamaree that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted. An OARDEC staff member redacted information that would personally identify U.S. Government personnel or other individuals in order to protect the personal security of those individuals. This staff member also redacted internment serial numbers because certain combinations of internment serial numbers with other information relates to sensitive

internal and intelligence operations that is not suitable for public release.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 19 May 2005

Teresa A. McPalmer
Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0401
18 NOV 2004

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

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MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #5 of 17 August 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:
 - a. The detainee was properly notified of the Tribunal process and affirmatively elected not to participate in the Tribunal.
 - b. The Tribunal was properly convened and constituted by enclosure (1).
 - c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3, R-4, R-5, and R-6 was redacted. The FBI properly certified in exhibit R-2 that the redacted information in R-4, R-5, and R-6 would not support a determination that the detainee is not an enemy combatant. The information redacted from exhibit R-3 apparently consists of names only.
 - d. The detainee made no requests for witnesses or other evidence.
 - e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
 - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



James R. Crisfield Jr.
CDR, JAGC, USN

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Department of Defense
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

████████████████████, Colonel, U.S. Air Force; President

████████████████████, Lieutenant Colonel, U.S. Air Force; Member
(JAG)

████████████████████, Lieutenant Commander, U.S. Navy; Member

J. M. MCGARRAH
Rear Admiral
Civil Engineer Corps
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

27 September 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.


DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL: #5

(U) ISN#:

- Ref: (a) (U) Convening Order for Tribunal #5 of 17 August 2004 (U)
- (b) (U) CSRT Implementation Directive of 29 July 2004 (U)
- (c) (U) DEPSECDEF Memo of 7 July 2004 (U)

- Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)
- (2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
- (3) (U) Summary of Detainee/Witness Testimony (Not Used)
- (4) (U) Copies of Documentary Evidence Presented (S/NF)
- (5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 24 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of al-Qaida with ties to the Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).


_____, Colonel, USAF

Tribunal President

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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #5
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al-Qaida with ties to the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is associated with the Taliban and al-Qaida. The summary also stated the following:

- a. The Detainee received training at [REDACTED] training camp in Kandahar arriving just after 11 September 2001.
- b. The Detainee continued his training at [REDACTED] after the U.S. bombing campaign began.
- c. The Detainee received training on the Kalashnikov rifle, pistols, rocket propelled grenades, and the Russian automatic Beka.
- d. The Detainee later transferred to a military camp outside Kabul where he was injured by shrapnel
- e. The Detainee was captured by the Northern Alliance troops while he was convalescing in a hospital in Kabul.

The detainee chose not to participate in the Tribunal process. He specifically told the Personal Representative not to submit any information on his behalf.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-11.
- b. Testimony of the following persons: None

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

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ISN # [REDACTED]
Enclosure (1)
Page 1 of 3

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence.

b. The Detainee affirmatively declined to participate in the Tribunal and specifically asked the Personal Representative not to submit any information on his behalf. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.

b. The detainee understood the Tribunal proceedings. he asked no questions regarding his rights and actively participated in the hearing.

c. The detainee is properly classified as an enemy combatant and was a member of al-Qaida with ties to the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



, Colonel, USAF
Tribunal President

~~FOUO~~
Recorder Exhibit List

For

ISN XXXXXXXXXX

#	Title	Location	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	FBI Certification Re: Redaction of National Security Information dtd 16 Sept 04		UNCLASSIFIED
R3	CITF Form 40 dtd 10 Apr 03	3a1,	FOUO//LES
R4	FBI-302 dtd 19 Jun 02	3a1,3a4,3a5,3a6	FOUO//LES
R5	FBI-302 dtd 11 Nov 02	3a1,	FOUO//LES
R6	FBI-302 dtd 26 Jun 02	3a2,	FOUO//LES
R7	JTF-GTMO Baseball Card		SECRET//NOFORN
R8	CITF-CDR MEMO dtd 24 Mar 04	3a3	SECRET//NOFORN
R9	IIR 6034095504[1]		SECRET//NOFORN
R10	Analyst Support Package		SECRET//NOFORN
R11	OSD SO/LIC EC Assessment dtd 08 June 02		SECRET//NOFORN

~~FOUO~~

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (13 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL SHAMMARI, ZIBN THAHIR ZIBN AL FADHILI

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he associated with the Taliban and al Qaida.

a. Detainee is associated with the Taliban and al Qaida.

1. Detainee left his home in Saudi Arabia to travel to Afghanistan in late summer 2001. He traveled to Afghanistan because he wanted to train to fight Jihad.
2. Detainee received his initial training at the [REDACTED] training camp in Kandahar arriving just after the 11 September 2001 attacks.
3. The detainee continued his training at the [REDACTED] after the US Bombing campaign began.
4. At [REDACTED], detainee received the following training: physical conditioning and weapons training on the Kalashnikov, pistols, RPG, and Russian automatic Beka.
5. The detainee later transferred to a military camp outside Kabul where he was injured in the shoulder, hand, and leg by shrapnel.

Unclassified

6. Detain was captured by the Northern Alliance troops, while he was convalescing in a hospital in Kabul. The Northern Alliance delivered the detainee to United States forces.

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

Memorandum



To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

Date 09/08/2004

From : FBI GTMO
Counterterrorism Division

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION

(ISN [REDACTED])

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 06/19/2002
FD-302 dated 06/26/2002
FD-302 dated 11/11/2002

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/08/2004

If you need additional assistance, please contact On
Scene Commander [REDACTED] ([REDACTED]),
[REDACTED] ([REDACTED]), [REDACTED] or Intelligence Analyst
[REDACTED]

Personal Representative Review of the Record of Proceedings

26 Sep 04
I acknowledge that on *25* September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED].

I have no comments.

My comments are attached.

[REDACTED]
Name

26 Sep 04
Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)

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**Department of Defense
Director, Combatant Status Review Tribunals**

OARDEC/Ser: 1029

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19 MAR 2004

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN #654**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #654 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John B. Wiegmann)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CHF Ft Belvoir

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UNCLASSIFIED

10 Feb 05

MEMORANDUM

From: Assistant Legal Advisor
To: Director, Combatant Status Review Tribunal
Via: Legal Advisor *SEC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN #654

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #23 of 23 November 2004
(2) Appointing Order for Tribunal #32 of 21 January 2005
(3) Record of Addendum Tribunal Proceedings
(4) Record of Original Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate. See exhibit D-a
- b. The Tribunals were properly convened and constituted by enclosures (1) and (2).
- c. The Tribunals substantially complied with all provisions of references (a) and (b). Note that some information in exhibits R-10 through R-13 was redacted. The FBI properly certified in exhibits R-2a and R-2b that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. On 24 November 2004, a Tribunal unanimously determined that the detainee was not properly designated as an enemy combatant. Following that Tribunal, CSRT intelligence personnel conducted another search of the Government Information for evidence relevant to ISN #654's status. They collected additional evidence which eventually became exhibits R-17 through R-20. Due to the detachment from OARDEC of two of the three members of the original Tribunal panel, the additional evidence, along with the original evidence and original Tribunal Decision Report, was presented to Tribunal panel #32 to reconsider the detainee's status. Following their consideration of the new information along with the original information, the second Tribunal unanimously determined that the detainee was properly classified as an enemy combatant.
- e. The detainee did not request that any witnesses or evidence be produced.

UNCLASSIFIED

UNCLASSIFIED

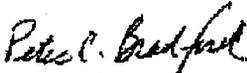
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN #654

f. The Tribunal's decision that detainee #654 is properly classified as an enemy combatant was unanimous.

g. A letter from the Personal Representative initially assigned to represent the detainee at Guantanamo Bay, Cuba, reflects the detainee's elections and is attached to the Tribunal Decision Report as exhibit D-b. The Tribunal was held *in absentia* outside Guantanamo Bay with a new Personal Representative who was familiar with the detainee's file. This Personal Representative had the same access to information, evidence, and witnesses as the Personal Representative from Guantanamo Bay. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit post-tribunal comments to the Tribunal. See enclosure (4) of Record of Tribunal Proceedings

2. The proceedings and decision of the Tribunal, as reflected in enclosure (3), are legally sufficient and no corrective action is required.

3. I recommend that the decision of the Tribunal be approved and the case be considered final.


PETER C. BRADFORD
LT, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

23 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #23

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear each case as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Air Force; President

[REDACTED], Lieutenant Colonel, U.S. Army Reserve; Member

[REDACTED], Major, U.S. Air Force Reserve; Member (JAG)

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy



Department of Defense
Director, Combatant Status Review Tribunals

21 Jan 05

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #32

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Army, President

[REDACTED], Lieutenant Colonel, U.S. Air Force, Member

[REDACTED], Lieutenant Commander, JAGC, U.S. Navy;
Member (JAG)

J. M. MCGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (3).

(U) TRIBUNAL PANEL: 23

(U) ISN#: 654

Ref: (a) (U) Convening Order for Tribunal #23 dated 23 November 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Copies of Documentary Evidence Presented (S/NF)
(4) (U) Personal Representative's Record Review (U/~~FOUO~~)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 24 November 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee #654 is not properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the majority of the Tribunal finds that this detainee is not associated with al Qaida or Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).


Tribunal President, Col, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2), (3) and (5).

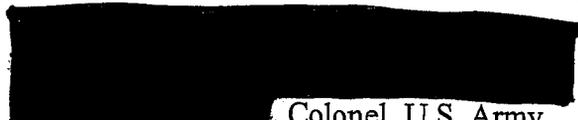
(U) TRIBUNAL PANEL: 32

(U) ISN#: 654

Ref: (a) (U) Convening Order for Tribunal #32 dated 21 January 2005 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Copies of Documentary Evidence Presented (S/NF)
(4) (U) Personal Representative's Record Review (U/~~FOUO~~)
(5) (U) CSRT Decision Report of Tribunal #23 (undated) (S/NF)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 24 November 2004, a previous Tribunal determined, by a preponderance of the evidence, that Detainee #654 was not properly designated as an enemy combatant as defined in reference (c). See enclosure (5). On 25 January 2005, this Tribunal was convened to review additional classified evidence, unavailable to the previous Tribunal, concerning Detainee #654. On 25 January 2005, this Tribunal, upon review of all the evidence, determined that Detainee #654 was properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the majority of the Tribunal found that the preponderance of the evidence supports the finding that this detainee was a member of or associated with al Qaida, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).


, Colonel, U.S. Army
Tribunal President

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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #23
ISN #: 654

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is not properly classified as an enemy combatant and was not associated with al Qaida or Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal conducted the proceeding on 24 November 2004. The Recorder presented Exhibits R-1 through R-3, during the unclassified portion of the Tribunal. Exhibit R-1, the Unclassified Summary of Evidence, indicates, among other things, that the detainee: is a Libyan citizen who has traveled extensively throughout North Africa and the Middle East; is a member of Libyan Islamic Fighting Group (LIFG), which is a designated foreign terrorist organization; possesses substantial historical knowledge, up to the time of his arrest, of LIFG membership and operations; visited Khaldan and Sada training camps; and that Afghan intelligence Forces arrested the detainee in Konar, Afghanistan in January of 2002.

The detainee did not attend the Tribunal hearing and affirmatively declined to participate. He also did not provide the Personal Representative with any statements or evidence to present on his behalf. The detainee's decision is reflected on the Detainee Election Form (Exhibit D-a) and the Guantanamo Personal Representative's affidavit (Exhibit D-b). The Personal Representative presented no evidence and called no witnesses. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides only conclusory statements without supporting evidence. There was no substantive evidence presented during the unclassified portion of the Tribunal and the Tribunal found it necessary to review the classified exhibits.

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-4 through R-16 in a closed session. The Personal Representative reviewed these exhibits prior to their presentation to the Tribunal. The Personal Representative presented no classified exhibits. The Tribunal read all of the classified exhibits. The classified exhibits did not support the assertions on the Unclassified Summary of

UNCLASSIFIED//~~FOUO~~

ISN #654
Enclosure (1)
Page 1 of 3

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Evidence. The Tribunal found the detainee is not properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-16 and D-a through D-b
- b. Testimony of the following persons: None.
- c. Statement of the detainee: None.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

Exhibit R-1, the Unclassified Summary of Evidence, as noted above, indicates, among other things, that the detainee is a Libyan citizen who has traveled extensively throughout North Africa and the Middle East; is a member of Libyan Islamic Fighting Group (LIFG), which is a designated foreign terrorist organization; possesses substantial historical knowledge, up to the time of his arrest, of LIFG membership and operations; visited Khaldan and Sada training camps; and that Afghan Intelligence Forces arrested the detainee in Konar, Afghanistan in January of 2002.

The Tribunal also relied on Exhibits R-4 through R-16 in reaching its decision. A discussion of the classified evidence is found in Enclosures (2) and (3) to the Combatant Status Review Tribunal Decision Report.

The Tribunal did not consider the evidence to provide a basis to find, by a preponderance of the evidence, that the detainee is associated with al Qaida or Taliban, or otherwise meet the definition of enemy combatant. This issue is discussed in greater detail in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

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ISN #654
Enclosure (1)
Page 2 of 3

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No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the majority of the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. The detainee chose not to participate in the Tribunal process, as indicated in Exhibits D-a and D-b.
- c. The detainee is not properly classified as an enemy combatant and is not associated with al Qaida or Taliban, as determined by the majority of the Tribunal.

8. Dissenting Tribunal Member's report

The Tribunal's decision was unanimous. There is no dissenting Tribunal member's report.

Respectfully submitted,



Colonel, U.S. Air Force
Tribunal President

UNCLASSIFIED//~~FOUO~~

ISN #654
Enclosure (1)
Page 3 of 3

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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: _____ #32

ISN #: _____ 654

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of al Qaeda. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is a Libyan citizen who has traveled extensively throughout North Africa and the Middle East and is a member of Libyan Islamic Fighting Group (LIFG), a designated foreign terrorist organization. He also possesses substantial historical and current knowledge, up to the time of his arrest, of LIFG membership and operations. The detainee visited the Khaldan and Sada training camps. Afghan Intelligence Forces arrested the detainee in Konar, Afghanistan in January 2002.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-23.
- b. Exhibits: D-a and D-b.
- c. There were no witnesses.

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ISN #654
Enclosure (1)
Page 1 of 3

UNCLASSIFIED//~~FOUO~~

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The detainee did not request any witnesses or additional evidence; no rulings were required.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence and R-2a and R-2b are the FBI request for redaction statements. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence.

b. Since the detainee did not participate in the Tribunal process, the Tribunal relied heavily on classified evidence in reaching its decision. The Tribunal also considered Exhibits D-a and D-b, unclassified information provided by the detainee and is included as part of the Combatant Status Review Tribunal Decision Report. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.

b. The detainee understood the Tribunal proceedings. The Personal Representative (PR) advised the detainee of his rights and read the unclassified summary of the evidence to him. The detainee affirmatively declined to participate in the Tribunal.

c. The detainee is properly classified as an enemy combatant and is a member of or associated with al Qaida.

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ISN #654
Enclosure (1)
Page 2 of 3

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the Tribunal President.

, Colonel, U.S. Army

Tribunal President

UNCLASSIFIED//~~FOUO~~

Personal Representative Review of the Record of Proceedings

I acknowledge that on 30 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #654.

 I have no comments.

My comments are attached.


Name

30 Nov 04
Date


Signature

ISN #654
Enclosure (4)

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DETAINEE ELECTION FORM

Date: 19 Nov 04
Start Time: 1340
End Time: 1415

ISN#: 654

Personal Representative:  LT COL

Translator Required? YES Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

Detainee Election:

- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive

Personal Representative Comments:

Detainee listened to the evidence and read it for himself twice and saw no point in participating based on the unclassified evidence presented.
 Detainee did not wish for the PR to present any oral or written statement on his behalf.
 Detainee did not request any witnesses.
 Detainee did not request any documentary evidence.

Personal Representative: 

DETAINEE SESSION NOTES

PR:	118
ISN:	654

Initial Session

Detainee's demeanor/attitude while explaining the CSRT process:

Willing, but not eager, to listen; distrustful the CSRT process; frustrated.

Notes (if required)

Provide additional details. Also explain in-camp witness or documentary evidence requests. (For out-of-camp witnesses, use PR Witness Request Worksheet.)

Detainee refuted claim that he is a member of the Libyan Islamic Fighting Group and that his training occurred during the Soviet occupation. He further stated that the other points of interest, traveling and being arrested do not mean that he is a criminal.

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DETAINEE SESSION NOTES

Follow-up (if required)

Date:	
Start Time:	
End Time:	

Purpose for Follow-up Session and what occurred:

Final Session (if required)

Date:	
Start Time:	
End Time:	

Purpose for the Final Session and what occurred:

An initial interview was held with detainee AL GHAZZAWI, Abdel Hamid Ibn Abdussalem Ibn Miftah (ISN 654) on 19 Nov 04.

[REDACTED] The detainee spoke the language of the linguist and understood the linguist.

[REDACTED] The detainee was reminded that the U.S. government established a Combat Status Review Tribunal to review his designation as an enemy combatant.

[REDACTED] The detainee was advised that I am not an attorney or his advocate, but will assist him in the CSRT process if he chooses to participate.

[REDACTED] The detainee was advised that a tribunal of military officers will review his enemy combatant designation even if he chooses not to participate.

[REDACTED] The detainee was advised that he will have an opportunity to speak on his own behalf and call witnesses and ask questions of the witnesses and tribunal members.

[REDACTED] The detainee was advised that he may choose not to appear at the Tribunal hearing or participate in the CSRT process, but that I could present information on his behalf.

[REDACTED] The detainee confirmed that he understood the process as explained to him and did not have any questions.

[REDACTED] The detainee affirmatively chose not to participate in the CSRT process and does not want me to present information on his behalf.

I affirm that the information above is complete and accurate to the best of my knowledge.

[REDACTED], Lt Col, USAF

19 Nov 04
Date

Exhibit D-6 3262

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (16 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL GHAZZAWI, Abdel Hamid Ibn Abdussalem Ibn Miflah

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.

2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."

3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is a member of, or associated with, al Qaida or the Taliban.

- The detainee is member of, or associated with, al Qaida or the Taliban:
 1. The detainee is a Libyan citizen who has traveled extensively throughout North Africa and the Middle East.
 2. The detainee is a member of Libyan Islamic Fighting Group (LIFG).
 3. The detainee possesses substantial historical and current knowledge, up to the time of his arrest, of LIFG membership and operations.
 4. The LIFG is a designated foreign terrorist organization.
 5. The detainee visited the Khaldan and Sada training camps.
 6. Afghan Intelligence Forces arrested the detainee in Konar, Afghanistan in January of 2002.

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Exhibit
121

Memorandum

To :

Date



Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

11/23/2004

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 654 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 07/27/2002
FD-302 dated 07/28/2002
FD-302 dated 08/14/2002

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 11/23/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED]

[REDACTED] or Intelligence Analyst [REDACTED]
Intelligence Analyst [REDACTED]
[REDACTED]

- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]

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Memorandum

To :

Date



Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

11/23/2004

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 654 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 07/27/2002

FD-302 dated 07/28/2002

FD-302 dated 08/14/2002

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 11/23/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED]
[REDACTED] or Intelligence Analyst [REDACTED]
Intelligence Analyst [REDACTED]

- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]

Memorandum



To : Department of Defense Date 12/02/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 654 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 07/01/02
FD-302 dated 04/24/03

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

E3268+

R-25

1/2

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 12/02/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED],
[REDACTED] or Intelligence Analyst (IA)

[REDACTED] IA [REDACTED]



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**U.S. Department of Homeland Security
U.S. Customs and Border Protection
Office of Border Patrol**

**Terrorist Organization
Reference Guide**

January 2004

*Exhibit
123*

UNCLASSIFIED

3270

UNCLASSIFIED

U. S. BUREAU OF CUSTOMS AND BORDER PROTECTION

Purpose: The purpose of the Terrorist Organization Reference Guide is to provide the Field with a who's who in terrorism. The main players and organizations are identified so the CBP Officer and BP Agent can associate what terror groups are from what countries, in order to better screen and identify potential terrorists.

Limitations (Gaps in Data): This Guide is based upon the information available to this office at the time that the report was prepared.

NOTE: This report is based upon information obtained from various open sources. No classified information was used in the preparation of this report.

For corrections, amendments, and suggestions, notify:

Office of Border Patrol
Bldg. 11624 SSG Sims Road,
Biggs AAF,
El Paso, TX 79908
Mailing Address: Attn. BPSCC P.O. Box 6017
El Paso, Texas 79906
POC Kent D. Thew
Tel: (915) 724-3218

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Designated Foreign Terrorist Organizations

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Designated Foreign Terrorist Organizations¹

The following descriptive list constitutes the 36 terrorist groups that currently (as of 30 January 2003) are designated by the Secretary of State as Foreign Terrorist Organizations (FTOs), pursuant to section 219 of the Immigration and Nationality Act, as amended by the Antiterrorism and Effective Death Penalty Act of 1996. The designations carry legal consequences:

- It is unlawful to provide funds or other material support to a designated FTO.
- Representatives and certain members of a designated FTO can be denied visas or excluded from the United States.
- US financial institutions must block funds of designated FTOs and their agents and must report the blockage to the US Department of the Treasury.

1. Abu Nidal organization (ANO)

a.k.a. Fatah - the Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organization of Socialist Muslims

Description

Has carried out terrorist attacks in 20 countries, killing or injuring almost 900 persons. Targets include the United States, the United Kingdom, France, Israel, moderate Palestinians, the PLO, and various Arab countries. Major attacks included the Rome and Vienna airports in December 1985, the Neve Shalom synagogue in Istanbul and the Pan Am Flight 73 hijacking in Karachi in September 1986, and the City of Poros day-excursion ship attack in Greece in July 1988. Suspected of assassinating PLO deputy chief Abu Iyad and PLO security chief Abu Hul in Tunis in January 1991. ANO assassinated a Jordanian diplomat in Lebanon in January 1994 and has been linked to the killing of the PLO representative there. Has not staged a major attack against Western targets since the late 1980s.

Strength

Few hundred plus limited overseas support structure.

Location/Area of Operation

Elements relocated to Iraq in December 1998, where the group maintains a presence. Has an operational presence in Lebanon including in several Palestinian refugee camps. Authorities shut down the ANO's operations in Libya and Egypt in 1999. Has demonstrated ability to operate over wide area, including the Middle East, Asia, and Europe. Financial problems and internal disorganization have reduced the group's activities and capabilities.

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including US citizens. Several of the arrested militants have reportedly undergone military training in Afghanistan, and some fought with the Afghan mujahidin during the war against the former Soviet Union. Others are alleged to have ties to Islamic extremist organizations in Indonesia and the Philippines.

Strength

Malaysian police assess the KMM to have 70 to 80 members. The Malaysian police continued to investigate more than 200 suspected Muslim militants throughout 2002.

Location/Area of Operation

The KMM is reported to have networks in the Malaysian states of Perak, Johor, Kedah, Selangor, Terengganu, and Kelantan. They also operate in Wilayah Persukutuan, the federal territory comprising Kuala Lumpur. According to press reports, the KMM has ties to radical Indonesian Islamic groups and has sent members to Ambon, Indonesia, to fight against Christians.

External Aid

Largely unknown, probably self-financing.

59. Libyan Islamic Fighting Group

a.k.a. Al-Jam'a al-Islamiyyah al-Muqatilah, Fighting Islamic Group, Libyan Fighting Group, Libyan Islamic Group

Description

Emerged in 1995 among Libyans who had fought against Soviet forces in Afghanistan. Declared the government of Libyan leader Muammar Qadhafi un-Islamic and pledged to overthrow it. Some members maintain a strictly anti-Qadhafi focus and organize against Libyan Government interests, but others are aligned with Usama Bin Ladin's al-Qaeda organization or are active in the international mujahidin network. The group was designated for asset freeze under E.O. 13224 and UNSCR 1333 in September 2001.

Activities

Claimed responsibility for a failed assassination attempt against Qadhafi in 1996 and engaged Libyan security forces in armed clashes during the mid-to-late 1990s. Continues to target Libyan interests and may engage in sporadic clashes with Libyan security forces.

Strength

Not known but probably has several hundred active members or supporters.

Combatant Status Review
Unclassified Document Release Approval
For ISN 654

**Joint Intelligence Group -
Detainee Assessment Branch**

Signature: _____

Name/Rank: [REDACTED] MAJ

Title: OIC- Detainee Assessment Branch

Date: _____

Joint Intelligence Group

Signature: _____

Name/Rank: [REDACTED]

Title: Director, Joint Intelligence Group

Date: _____

FBI

Signature: [REDACTED]

Name/Rank: [REDACTED]

Title: SSA

Date: 11/19/2004

**Joint Intelligence Group -
Interrogation Control Element**

Signature: _____

Name/Rank: [REDACTED]

Title: OIC- Interrogation Control Element

Date: _____

JTF-GTMO, J2

Signature: _____

Name/Rank: [REDACTED] Lt Col

Title: Director of Intelligence JTF GTMO

Date: _____

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 11/15/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED],
[REDACTED] or Intelligence Analyst (IA)

IA



To : Department of Defense Date 12/02/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 654 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 07/01/02
FD-302 dated 04/24/03

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

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Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 12/02/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED]

[REDACTED] or Intelligence Analyst (IA)

[REDACTED]
IA

P. -2/2

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Memorandum

To :

Date



Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

11/23/2004

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject: REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

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FD-302 dated 07/27/2002
FD-302 dated 07/28/2002
FD-302 dated 08/14/2002

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 11/23/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED] or Intelligence Analyst [REDACTED]

Intelligence Analyst [REDACTED]

- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]

Memorandum



To : Department of Defense Date 11/15/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

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²See Executive Order 12958

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 11/15/2004

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Gen. Counsel [REDACTED]
[REDACTED] or Intelligence Analyst (IA)

IA

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 11/23/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED],
[REDACTED] or Intelligence Analyst [REDACTED]
Intelligence Analyst [REDACTED]

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 12/02/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED],
[REDACTED] or Intelligence Analyst (IA)

[REDACTED]
IA

Personal Representative Review of the Record of Proceedings

I acknowledge that on 27 JAN 05 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #654.

I have no comments.

My comments are attached.

 MAJ USAF
Name

27 JAN 05
Date


Signature